

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLES MONTTOYA,

Plaintiff,

v.

No. CIV 13-30 JCH/GBW

JANET NAPOLITANO, SECRETARY,
U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

ORDER DENYING MOTION TO COMPEL

This matter comes before the Court on Plaintiff's Motion to Compel Discovery. *Doc.*

34. The Court held a hearing on the Motion on July 29, 2014. *Doc. 57*. For the reasons discussed at the hearing, the Court DENIES Plaintiff's Motion as untimely.

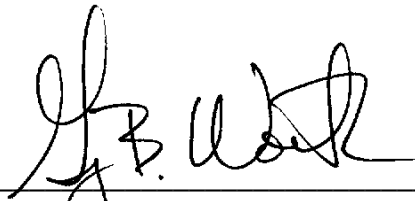
The Local Rules of Civil Procedure require that a motion to compel be filed within 21 days of service of an objection, and provide that "[f]ailure to proceed within this time period constitutes acceptance of the objection." D.N.M.LR-Civ. 26.6. The Court may, however, change the 21-day deadline for filing a motion to compel for "good cause." D.N.M.LR-Civ. 26.6.

Plaintiff filed the instant Motion to Compel on June 3, 2014, nearly six months after being served with Defendant's objections on December 13, 2013. *See doc. 18*. At the hearing, Plaintiff argued that he had good cause for filing the Motion at this time because he had recently acquired information relating to Defendant's administrative procedures for

requests for accommodation based on a medical condition, which were relevant to rebut Defendant's "undue burden" defense. *Doc. 57* at 3.

Having heard from both sides, the Court is unpersuaded that Plaintiff has established "good cause" for the extensive delay in filing his Motion to Compel. Plaintiff's Motion to Compel (*doc. 34*) is, therefore, DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE